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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,281	02/16/2000	Toshihisa Kuroiwa	105403	5700

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EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,281

Applicant(s)

KUROIWA, TOSHIHISA

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Election/Restrictions

Applicant's election with traverse of Group III, Species I in the reply filed on 4/1/04 is acknowledged. The traversal is on the ground(s) that Applicant states the subject matter of all claims is sufficiently related, that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims, and the search and examination of the entire application could be made without serious burden. This is not found persuasive because, as stated in the previous Election/Restriction requirement sent out by the Examiner, Inventions I-IV have separate status in the art as shown by their different classification, and they each have separate utility such as the specific interconnections required by Invention I (348/231.99), specifics of exposure control required by Invention II (348/362), specifics of editing/recording functionality or the parallel processing/imaging required by Invention III (348/221.1) and the specifics of the image data management that is required by Invention IV (348/231.9). The requirement is still deemed proper and is therefore made FINAL.

Drawings

The drawings are objected to because MEMORY should be labeled as part (66) not (16) (see figure 6). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and

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appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by (US PG-PUB 2003/0122950 to Anderson).

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In regards to claim 7 Anderson discloses an electronic camera (110) comprising an image capturing device (114) that captures an image of a subject and generates image data, and a recording device (354) that records the image data generated by the image-capturing device in combination with photographic information, which is at least one type of information related to photographing such as a photographing date in a removable memory (see sections 0032, lines 4-8, 0053 and 0067, lines 1-17), wherein during an image-capturing stage in the electronic camera, processing time elapsing from image-capturing through recording is reduced by implementing in parallel an image-capturing operation by the image-capturing device and an editing operation of the photographic information performed by the recording device. That is, image data is rotated, processed, photographic information (date-time stamp for example) is positioned and applied, and both image data and photographic information are compressed and stored, these steps being performed in a background spooling process while capturing of images is continuing successively (see section 0067). Examiner notes that in paragraph 0042, Anderson incorporates by reference in its entirety USPN 5,933,137 to Anderson, herein '137, wherein Examiner notes column 9, line 39 – column 10, line 49.

In regards to claim 8 Anderson further discloses during an image-capturing stage in the electronic camera, processing time elapsing from image-capturing through recording is reduced by implementing in parallel an image-capturing operation by the image-capturing device and a preparing operation for data recording in the removable memory performed by the recording device (see section 0067; also refer to rejection of claim 7 above).

In regards to claim 9 Anderson further discloses an image-processing device that performs two-dimensional image processing on the image data generated by the image-capturing

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device (see figure 8; two-dimensional image processing includes the steps of rotating and processing the two-dimensional image data), wherein processing time during an image-capturing stage in the electronic camera is reduced by implementing in parallel a scanning read of the image data from the image-capturing device and the two-dimensional image processing performed by the image processing device (see section 0067; column 9, line 39 – column 10, line 49 of '137).

In regards to claims 10 and 11 Anderson further discloses a compression conversion device (618) that performs image compression on the image data having undergone two-dimensional image processing at the image processing device, wherein processing time during an image-capturing stage in the electronic camera is reduced by implementing in parallel the two-dimensional image processing performed by the image processing device (generating thumbnail and scrennail images) and the image compression by the compression conversion device (see section 0042, lines 9-12; column 9, line 39 – column 10, line 49 of '137).

In regards to claim 12 Anderson further discloses a thumbnail compression device that performs image compression processing on the image data having undergone image plane size conversion performed by the size conversion device, wherein processing time during an image capturing stage in the electronic camera is reduced by implementing in parallel the image plane size conversion performed by the size conversion device and the image compression processing performed by the thumbnail compression device (see section 0042, lines 9-12; column 9, line 39 – column 10, line 49 of '137).

In regards to claim 13 Anderson further discloses during an image-capturing stage in the electronic camera, processing time elapsing from image-capturing through recording is reduced

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by implementing in parallel the image compression performed by the compression conversion device and recording of the compressed data in a removable memory (354) by the recording device (see figure 5; as the capturing of images is continued successively, compression performed by device (618) is performed in parallel with recording by removable memory (354); column 9, line 39 – column 10, line 49 of '137).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sato (US 6515704 131) discloses a method and apparatus for capturing image data, generating thumbnail data from the captured image data, and storing the thumbnail images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

July 23, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
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